

Approved  
Bellbrook-Sugarcreek Merger Study Commission  
Meeting  
Minutes  
July 7, 2010

1. The meeting was called to order at 7:00 PM by Joan Gallagher, Co-Chairperson of the Merger Study Commission.
2. Mrs. Gallagher called the roll with Commission members Mike Shank, Sam Staley, Tom Frantz, Bill Berry, Linda Hummel, Donna Hellmann, Howard Ackerman, Charlie Schwegman and Ron Folkerth present.
3. Others present were, Scott Bryant, Harold Rodgers, Jim Tharpe, Jim Martin, Tim and Denise Toth, Bill and Nancy Henry, Athena Haus, Anthony Bizzaro, Phil Michael, Ron Hearel ,Frank Neal, Suzanne Stacher, Greg Nartker, David Greenhorn, Josh Greenhorn, Sarah Martin, Nick Griffin, Andrew Forster, K. Smith, Ralph Hughes, Jason Harris, Bill Schieman, Mayor Mary Graves, Jon Martin, Denny Bennett Katherine Ulmer, Karen Shroyer, Randy Pavlak, Barry Tiffany, Mark Schlagheck and Robert Portune.
4. The minutes from the May 5 and June 2, 2010 Regular meeting, June 23, 2010 Special meeting and April 26, 2010 Work Session had been circulated and were presented for approval. A Motion was made by Mrs. Hellmann to approve the minutes For the May 5, 2010 meeting. Mr. Frantz seconded the motion. All the Commissioners voted for the motion except Sam Staley and Bill Berry who abstained. The motion passed. A Motion was made by Mrs. Dr. Staley to approve the minutes from the June 2, 2010 Regular meeting. Mr. Folkerth seconded the motion. All voted yes except Linda Hummel, Bill Berry and Ron Folkerth who abstained. The motion passed.

A Motion was made by Mrs. Hellmann to approve the minutes from the April 26, 2010 Work Session. Dr. Staley seconded the motion. All voted yes except Linda Hummel, Tom Frantz, Ron Folkerth and Charlie Schwegman who abstained. The motion passed. A Motion was made by Ms. Hummel to approve the minutes from the June 23, 2010 Work Session. Dr. Staley seconded the motion. All voted yes

except Sam Staley, Bill Berry, Ron Folkerth and Joan Gallagher who abstained. The motion passed.

5. Mayor Mary Graves presented a Statement to the Merger Commission from the Bellbrook City Council. That statement is attached to these minutes. Mayor Graves said that the Bellbrook Council is very concerned about placing an additional tax levy on the November ballot to support the Merger. Council will hold a formal vote on the matter on July 12, 2010. In summary the Bellbrook Council at this time does not support the merger. They feel the Merger Study Commission should seriously consider not placing the merger issue on the ballot in November.

Mr. Schwegman challenged Mayor Graves on this stance. He asked why the Council thinks placing the levy on the ballot would have a negative impact of passing future levies? Mayor Graves directed the question to Mark Schlagheck, the City manager. He responded that with it being a 6 mill levy, people will not remember that it was for the merger. People will think the city has that money and will not want to pass another levy. Mr. Schwegman replied that he felt Mr. Schlagheck was underestimating people and that they were smart enough to know it was for the merger. Mr. Schlagheck responded that a lot of people do not understand anything about the merger and when they go to vote they may not have all of the information they need. Mrs. Gallagher stated that it makes it awkward that the O.R.C. requires the City to put a levy on the ballot that supports the merger.

6. Next on the Agenda was the Draft of the Conditions of Merger. At issue was Article 7, Finances. With the probability that the City would not approve putting the designated 5 year 6 mill levy on the ballot in November to finance the merger, various alternatives were discussed with Mr. Portune the lawyer. Mr. Shank suggested that the official date of Merger be July 1, 2012 leaving the Transition Commission all of 2011 to place a 5 year 6 mill Tax Levy on the ballot to support the Merger. Action on this will be taken at the Commission's Special Meeting on July 14, 2010.

Mr. Schwegman then suggested, to rousing applause from the audience, that the Commission could vote on putting the Merger on the Ballot immediately at this meeting. Mrs. Gallagher noted that two Public Hearings on the Merger were scheduled on July 8 and July 10, 2010. Mrs. Hellmann responded by saying it was better to maintain the schedule on Public Hearings, Special Meeting on July 14, 2010 and vote on putting the Merger on the ballot on July

28,2010. Previous to this Mr. Shank indicated that he and Mrs. Gallagher had declared at the June 30, 2010 Work Session that they could not support a Merger.

Mrs. Gallagher raised concern that at least a Draft of the Conditions of Merger and Resolution for the Merger needed to be taken to the Board of Elections as soon as possible. Chief Pavlak gave advice as to the procedure of working with the Board of Elections. Mr. Berry thought that July 15, 2010 was timely to take these materials to the Board of Elections.

7. Approval of an invoice from Gottschlich & Portune, LLP was presented to the Commission and the City Manager and Township Administrator. The invoice was for \$ 4,662.00 and included billable hours for Legal and Factual Research, preparation for and attendance at Merger Commission meetings and Review and Revisions of Conditions of Merger. A Motion was made by Mr. Shank to approve payment of the invoice from Gottschlich & Portune for \$ 4,660.00. Mrs. Hellmann seconded the motion.. Generally speaking the discussion indicated that the Commission was very appreciative of Mr. Portune's expertise in Merger Study law and of his timely response to the Conditions of Merger. The motion passed unanimously

Mrs. Gallagher indicated that she approved the June invoice from the transcriber. She also incurred Xerox expenses for the work sessions and hand-outs for the Public Hearings.

8. Reminder of Meetings: Special Meeting July 14, Work Session July 21 and Regular meeting July 28 and August 4, 2010.
9. Web Page Reminder: Approved minutes of the Merger Study Commission's Regular meetings, Special meetings and Work sessions continue to be posted on the website mergerstudy.com .Mr. Schieman indicated that over the 4<sup>th</sup> of July holiday weekend there was an increased number of inquiries on the web site.
10. Additions to the agenda: Mr. Shank read correspondence from Dave Hamilton, the retired and well respected City Manager. Essentially Mr. Hamilton had some thoughts on Finances of the Merger. A copy of Mr. Hamilton's correspondence is attached to the minutes.

Mrs. Hellmann questioned Mr. Tiffany about his June, 2010 Annexation Impact Study. She wondered why the Rollandia property

on Wilmington Pike wasn't considered. Mr. Tiffany responded that his annexation impact only included undeveloped land.

11. Public Comment:

Mr. Bryant commented that the Merger Study Commission, according to an article in the Dayton Daily News, was tasked not only with setting Conditions of Merger but with making a decision as to whether a Merger was good for the Community.

Mr. Greenhorn who is a cattle farmer in the southern end of the Township stated that his family has been in the area since the 1960s. He operates a profitable farming operation with specific requirements and doesn't want to lose his agricultural capability. Also his family is 4<sup>th</sup> generation on the land and places great value in this tradition. He said there is more to a Merger than just finances!

Ms. Fruke rudely challenged Mrs. Gallagher's comment on not understanding the finances of a merger. She said that if you don't understand it how can you, who have been working with the finances for all this time, help me understand it? Mrs. Gallagher responded that Ohio finances for governments are complicated. No doubt government finances in other states such as Indiana and Tennessee are also complicated. That indeed is the challenge to understand the Finances of a Merger!!

Mr. Martin shared a conversation he had with the County Engineer, Bob Geyer. Mr. Geyer has wondered why no one has contacted him re to the new merged municipality assuming responsibility of 35 miles of roads and 26 bridges. Mr. Geyer indicated that he will have to negotiate these matters according to ORC 907.447. However according to this ORC the negotiation has to be with the New City of Bellbrook not the current City or Township.

Mr. Toth said that perhaps it would be best to take the knowledge that has been gained in this study and come back in three years and do the study again.

City Councilman Jon Martin indicated that if the Merger Study passes on the November ballot he will support the Transition Commission in putting a levy on the ballot to support the Merger.

12. Mrs. Gallagher asked for a motion to adjourn the meeting. Mrs. Hummel made a motion to adjourn. Mr. Schwegman seconded the motion. The motion passed. The meeting was adjourned at 9:10 PM